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E.O. 12958: DECL: 05/17/2017
TAGS: [AJ](#) [KDEM](#) [PGOV](#) [PHUM](#) [PREL](#)
SUBJECT: REQUEST FOR DEMARCHE BY AMBASSADOR ON HUMAN
RIGHTS ISSUES

REF: A. A) BAKU 590
[1](#)B. B) BAKU 601

Classified By: DRL/AE:BRUCE CONNUCK PER 1.4 (B,D)

[1](#)1. (U) This is an action request.

[1](#)2. (SBU) The Department is seriously concerned about ref a report on the conduct of the opening stages of the Farhad Aliyev trial, and, separately, by a series of reports (e.g. ref b) on new prosecutions or convictions of (primarily opposition) journalists for "offenses" such as criminal libel. Ambassador is requested to approach the GOAJ, at the highest appropriate level, to highlight the importance of these issues to the U.S.-Azerbaijan bilateral relationship and to the intensified dialogue on democracy and human rights between our governments. Specific concerns to address on each topic are suggested in paras 2 and 3.

Aliyev Trial

[1](#)3. (C) Ambassador should express deep concern over the continued inability of international and domestic monitors (including the OSCE mission), family members, and most non-pro-government media to attend the trial. Embassy should note that OSCE participating States have recognized the right to a fair and public hearing by a competent, independent and impartial tribunal⁸ (paragraph 5.16 in the Copenhagen Document). Senior U.S. officials, including A/S Lowenkron, have stressed to the GOAJ the importance we place on judicial due process, which includes an open and transparent trial. Depending on GOAJ interlocutors' responses, Embassy might note that if the issue of public and international observer access to the trial is not quickly resolved, the USG will have to consider publicly raising its concerns both in Baku and in Washington.

Media Freedom/Criminal Libel Prosecutions of Journalists

[1](#)4. (SBU) Embassy should also raise growing USG disquiet over the continued decline in media freedom, especially the growing list of criminal libel prosecutions of journalists (ref b). This, too, is a matter that has repeatedly been raised in discussions with the GOAJ by senior U.S. officials. Embassy might note that we had been encouraged by President Aliyev's positive statements and instructions in 2005 to discourage criminal libel suits, and are disappointed that the practice has not only not been ended, but seems to be on the increase. We call once again for the government to propose, and the parliament to adopt, legislation that would decriminalize libel.
RICE